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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,603	01/24/2002	Hideki Ito	9333/284	2928

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EXAMINER	
DINH, TAN X	

ART UNIT	PAPER NUMBER
2653	

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/057,603	ITO, HIDEKI	
	Examiner	Art Unit	
	TAN X. DINH	2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 July 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-9,11-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1) The amendment filed 7/05/2005 is acknowledged. Claims *2 and 10* have been canceled. After a number of amendments have been filed from applicant, the invention of Group I (claims 1-14) is the *same scope* with the invention of Group II (claims 15-20), therefore, the restriction is withdrawn herein. Claims *15-20* will be examined together with Group I in this Office action.

2) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3) This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4) Claims *1,3-9,11-20* are rejected under 35 U.S.C. 103(a) as being unpatentable over KELLER et al (6,587,404).

KELLER et al discloses an audio device and method for managing track files as claimed in claims 1,5 and 9, comprising a display (Fig.4, display 46; Fig.7, display device 46 on front bezel 44), a read out unit for reading out track files recorded on a recordable medium (Fig.4, audio track files are read out from data storage structure 106), wherein the recordable medium contains at least one session and a session is automatically formed each time writing is performed and includes one or more track files (plurality of sessions are inherent in every recordable optical disk (CD-R, DVD-R, DVD-RW, etc.,) and a session is automatically formed each time the writing is performed (it is noted that, one session is formed at the time of writing, if the writing stop which indicated the last session is end and when the recording restart, a new session is formed, the session includes one or more track files). The sessions are well known in optical recordable disk, which is shown in ITO et al (US 6,243,340), figure 4; ITO et al (US 6,631,107), figure 2; MURATA et al, (US 6,621,783), figure 5; MISAIZU (US 6,594,214), figure 5; HASHIMOTO (US 6,370,096), figure 4 and MURATA (US 6,363,040), figure 4. If the recordable disk is not completely record, each time recording new track files which forms a new session, this process is continued

until the recordable disk is completely recorded), a controller which manages the track files recorded on the recordable medium in each session and which displays the session containing the file of an arbitrary track on the display (Fig.4, CPU 94; Fig.7, display 46 displays session 200 containing the file of an arbitrary track. See also column 15, line 1 to column 16, line 59), wherein the controller regards each session as a virtual disk, allocates a track number for each of the track files in each session and display a name of the virtual disk corresponding to the session containing the file of the arbitrary track on the display, the track number and a name of the track (Fig.7, name of virtual disk is "METALLICA", figure 8, the tracks number of the tracks are "1", "2", "3" and "4" and name of the tracks (songs) are " Fade To Black ", " King Nothing ", " Sad But True " and " Fuel "), *except* to specifically show that (i) recordable medium is optical disk (CD-R) and (ii) playing back the track files recorded at latest (oldest) session to newest session. It would have been obvious to someone within the level of skill in the art at the time of the invention was made to substitute optical recordable disk in KELLER et al for the disclosed magnetic disk and playing back the track files in oldest session to newest session fashion as claimed. The rationale is as follows:

a) Optical recordable disk (CD-R) is known in the recording art to be equivalent to magnetic disk for storing information data (both of them capable of recording or storing information data) and,

b) It has been well known and generally recognized in the art that the track files recorded on CD or any recordable medium are capable of playing back at any directions, any sequences, randomly or selected as play-list (these features are inherent in every optical disk player, which also shows in KELLER et al's figure 2, manually control keys 43,45,47,49,50). Therefore, one of ordinary skill in the art at the time of the invention was made would have been motivated to replace an optical recordable disk in KELLER et al's disk player and playing back the tracks recorded in session at any desirable directions (latest to newest or newest to oldest) as claimed.

Claims 11 and 12 add to claims 1,5 and 9 the features of changing from a current CD to a next CD and changing back from a current CD to a previous CD. It would have been obvious to use operation keys for changing from a current CD to a next CD and changing from a current CD to a previous CD in KELLER et al's CD player as claimed since these feature are inherent in every CD changer (every CD changer includes the feature of changing a

current CD to a next CD and changing back to previous CD, the key for this function labeled as "NEXT DISK" or "▲" and "PREVIOUS DISK" or "▼").

Method claims 13,14 and 15 are drawn to the method of using the corresponding apparatus claimed in claims 1 and 11. Therefore, the method claims are rejected for the same reasons of obviousness as used above.

As to claims 3,4,16 and 17, KELLER et al shows the track files is compressed by MP-3 format (column 21, line 50 to column 22, line 7. It is noted that, TOC (management information) is inherent in every CD-ROM disk).

As to claim 6, KELLER et al shows how to change the session and the tracks in the session in figures 10-12.

As to claim 7, since the audio player of KELLER et al capable of playing back track files recorded in MP-3 format, the decoder is inherent in KELLER et al's audio player.

As to claim 8, KELLER et al shows a D/A converter in figure 4, 92.

As to claim 18, it would have been obvious to display the track name of latest session when the signal is read from the recordable medium as claimed since the track names in recordable disk can be

displayed at any suitable manner based on the command input from the users.

As to claim 19, it would have been obvious to playback first track corresponding to the displayed name when a predetermined key is operated in a state in which the latest session is displayed as claimed since the recorded tracks in any audio player (CD player) can be selectively played at any desirable directions (first track, last track, middle track, etc.,).

As to claim 20, it would have been obvious to sequence play back track from one session to another session since this technique is old and well known in optical reproducing art.

5) Applicant's arguments filed 7/05/2005 have been fully considered but they are not persuasive.

First, applicant states that the reference of KELLER et al cannot play back the tracks in a session in order of oldest to newest. However, this feature is well known in the art and the track files recorded on CD or any recordable medium are capable of playing back at any directions, any sequences, randomly or selected as play-list, the playing back can be set at any desirable times by manually or automatically. To apply this feature in KELLER et al's CD player as claimed is found obvious to someone within the level of skill in the art.

Second, the functionality of a CD changer to make it easer to navigate among sessions recorded on a CD-R or changing from a current CD to a next CD or changing back to a previous CD is old and well known in the art, any sessions in CD-R must be accessible for reproducing information signal and any CD in CD changer can be selectively changed in forward and backward directions for playing back. To apply this feature in KELLER et al's CD player as claimed is found obvious to someone within the level of skill in the art.

For those reasons, the claims are still rejectable as shown above.

6) Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory

action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7) Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAN XUAN DINH whose telephone number is (571)272-7586. The examiner can normally be reached on MONDAY-FRIDAY from 8:00AM to 5:00PM.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov./ Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TAN DINH
PRIMARY EXAMINER
September 8, 2005